

REMARKS

Claims 1-3 are pending in the present application. Applicants respectfully respond to the Office Action mailed July 17, 2003.

35 USC §102 Rejections

The Examiner has rejected claims 1 and 2 under 35 U.S.C. §102(e) as being anticipated by Honkasalo (US6,137,789).

Applicants recite a portion of claim 1, "... transmitting a message indicative of the rate of said data and the time interval over which said data will be transmitted at said rate...." Applicants claim a message indicative of the rate of data transmission and the time over which the data will be transmitted, i.e., the amount of data.

In contrast, *Honkasalo* discloses a mobile station to request a number of parallel code channels and a base station to assign parallel code channels based on information of how much data is stored in a transmit buffer. The period of time is typically a network 32 parameter, and is signaled to the mobile station 10 explicitly from the base station 30. Once the multiple code channels are assigned, the mobile station 10 sends data on all assigned code channels, until the transmit buffer is empty or, in accordance with this invention, until the mobile station transmitter 14 has been commanded by the base station 30 power control loop to increase the output power beyond the mobile station's output power limit. Therefore, the mobile station requests a number of parallel code channels from the base station while the period of time is signed to the mobile station from the base station.

As such, Applicants claim in claim 1, transmitting a message indicative of the rate of said data and the time interval over which said data will be transmitted. That is, one message contains an indication of both the data rate and the time interval. *Honkasalo* is distinct from Applicants' claim 1 in that *Honkasalo* discloses the mobile station requesting parallel code channels and the base station signaling the period of time.

Therefore, Applicants conclude that *Honkasalo* does not teach each and every element of Applicants' invention as claimed in claim 1.

The Applicants assert that claim 2 should be allowable for at least the same reasons as its independent claim 1 is patentable.

35 USC §103 Rejections

The Examiner has rejected claim 3 under 35 USC 103(a) as being unpatentable over *Honkasalo*.

The Applicants assert that claim 3 should be allowable for at least the same reasons as its independent claim 1 is patentable.

Drawings

Applicants submit that the new drawing does not make any substantive changes or introduce any new material but is simply inserted to support the claims as filed. Therefore, approval and entry of the new FIG. 10 is respectfully requested.

Applicants have concurrently filed herewith a Letter to the Official Draftsperson submitting formal drawings to replace the originally filed informal drawings.

Specification

Applicants provide herewith an amendment to the specification. The amendment to the specification is made by presenting the new paragraph and the pages and line numbers for insertion.

The change made is to describe the newly added FIG. 10 in the Brief Description of the Drawings section.

Applicants believe this change adds no new matter to the application and is fully supported by the Application.

Information Disclosure Statement

The Examiner has stated that a legible copy of each US, foreign patent, reference, etc. has not been provided. Applicants have provided with this response a physical copy of each document listed in our previously submitted IDS.

REQUEST FOR ALLOWANCE

In view of the foregoing, Applicants submit that all pending claims in the application are patentable. Accordingly, reconsideration and allowance of this application is earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Respectfully submitted,

Dated: 12/17/2003

By: 

Michael D. Graham, Reg. No. 51,751
(858) 658-5877

QUALCOMM Incorporated
5775 Morehouse Drive
San Diego, California 92121
Telephone: (858) 651-4125
Facsimile: (858) 658-2502